

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES SHROFF, Derivatively on Behalf of :
JPMORGAN CHASE & CO., :

Plaintiff, :

-v- :

JAMES DIMON, et al., :

Defendants, :

-and- :

JPMORGAN CHASE & CO., a Delaware
corporation, :

Nominal
Defendant. :

-----X
ROBERT GARBER, Derivatively on Behalf :
of JPMORGAN CHASE & CO., :

Plaintiff, :

-v- :

JAMES DIMON, et al., :

Defendants, :

-and- :

JPMORGAN CHASE & CO., a Delaware
corporation, :

Nominal
Defendant. :

-----X

08 Civ. 974 (DLC) ←

ORDER

08 Civ. 975 (DLC)

DENISE COTE, District Judge:

This Court having conducted a pretrial conference on May 7, 2008, with the parties to the above-captioned shareholder derivative actions brought against members of the Board of Directors and certain executive officers of JPMorgan Chase & Co. ("JPMorgan"), and the parties having agreed, and this Court

having found, that these actions involve common questions of law and fact, it is hereby

ORDERED as follows:

I. CONSOLIDATION

1. The above-captioned actions, Schroff v. Dimon, et al., No. 08 Civ. 974 (DLC), and Garber v. Dimon, et al., No. 08 Civ. 975 (DLC), are consolidated for all purposes pursuant to Rule 42(a), Fed. R. Civ. P. They shall be referred to collectively as In re JPMorgan Chase & Co. Shareholder Derivative Litigation, Master File No. 08 Civ. 974 (DLC).

2. No actions taken hereunder shall have the effect of making any person, firm or corporation a party to any action in which the person or entity has not been named, served, or added as such in accordance with the Federal Rules of Civil Procedure.

II. MASTER DOCKET AND SEPARATE ACTION DOCKETS

3. A Master Docket is hereby established for the consolidated proceedings in the actions consolidated herein and any other actions subsequently consolidated with them either for all purposed or for pretrial purposes (the "Consolidated Action"). Entries in said Master Docket shall be applicable to the Consolidated Action, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

III. MASTER FILE AND SEPARATE ACTIONS FILES

4. A Master File is hereby established for the consolidated proceedings in the Consolidated Action. The Master File shall be Civil Action No. 08 Civ. 974 (DLC). The original of this Order shall be filed by the Clerk in the Master File herein established. The Clerk shall maintain a separate file for each of the actions consolidated herein and filings shall be made therein in accordance with the regular procedures of the Clerk of this Court except as modified by Section II of this Order. The Clerk shall file a copy of this Order in each such separate file. The Clerk shall mail a copy of this Order to counsel of record in each of the actions consolidated herein.

IV. NEWLY FILED OR TRANSFERRED ACTIONS

5. When any action that relates to the same subject matter as the Consolidated Action is hereafter filed in or transferred to this Court and assigned to the undersigned, it shall be consolidated with the Consolidated Action in the same manner as the cases identified in Section I above, except as provided below, and the Clerk of Court shall:

a. File a copy of this Order in the separate file for such action.

b. Mail a copy of this Order to counsel for plaintiffs and counsel for each defendant.

c. Make an appropriate entry in the Master Docket.

6. The Court requests the assistance of counsel in calling to the attention of the Clerk the filing or transfer of any case that might properly be consolidated with these actions.

V. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

7. This Order shall apply to each case alleging claims similar to those set forth in the Consolidated Action that is subsequently filed in or transferred to this Court, and which is assigned to the undersigned unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date on which (1) the Clerk mails a copy of this Order to counsel for that party, or (2) that party is otherwise served with a copy of this Order, whichever is earlier. The provisions of this Order shall apply to such action pending the Court's ruling on the application. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint in any such case. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have thirty (30) days within

which to answer, plead or otherwise move with respect to any such complaint.

VI. CAPTIONS

8. Every pleading filed in the Consolidated Action, and in any separate action subsequently included therein under the terms discussed above, shall bear the following caption:

UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
-----X	:	
IN RE JPMORGAN CHASE & CO. SHAREHOLDER	:	
DERIVATIVE LITIGATION	:	MASTER FILE
	:	08 Civ. 974 (DLC)
This Document Relates to:	:	
	:	
ALL ACTIONS	:	
	:	
-----X		

9. When a pleading is intended to be applicable to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption. When a pleading is intended to apply to less than all of such actions, the docket number for each individual action to which it is intended to apply and the name of the plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption.

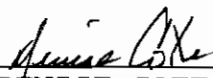
VII. FILING AND DOCKETING

10. When a paper is filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the Clerk shall file such paper in the Master File and note such filing in the Master Docket. No further copies need be filed nor other docket entries made.

11. When a paper is filed and the caption shows that it is applicable to less than All Actions, the Clerk shall file the original of the paper in the Master File and a copy in the file for each separate action to which it applies and shall note such filing in the Master Docket and in the docket of each such separate action. The party filing such paper shall supply the Clerk with sufficient copies of any paper to permit compliance with this paragraph.

SO ORDERED:

Dated: New York, New York
May 8, 2008



DENISE COTE
United States District Judge